

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RANDY EUGENE ADAMS, SR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:03CV1611 TIA
	)	
UNKNOWN PORTWOOD, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Superintendent Janet Schneider's Motion to Correct a Clerical Mistake Pursuant to Fed. R. Civ. P. 60(a) (Docket No. 57), Memorandum to Set Aside Service on John Doe, Director/Supervisor, St. Louis Community Release Center (Docket No. 53), and Plaintiff's Motion to Appoint Counsel (Docket No. 64). To date, Plaintiff has not filed any opposition to the motions. All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

Plaintiff filed this cause of action on November 6, 2003, alleging that because of the acts or omissions on the part of the Defendants, he was illegally held at the **St. Louis City Justice Center** for fifty days after he had posted bond. Plaintiff seeks monetary relief in this 42 U.S.C. § 1983 action against Defendants. In the Motion to Correct a Clerical Mistake, Superintendent of the **St. Louis Community Release Center**, Janet Schneider, requests pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, that the Court correct the caption of the case and delete her as a named Defendant. In the Memorandum and Order of June 18, 2004, the Court inadvertently ordered process to be issued at to **St. Louis Community Release Center** even though Plaintiff requested in

a motion<sup>1</sup> (Docket No. 13) to remove **St. Louis Community Release Center**, and the Court granted Plaintiff's motion to voluntarily dismiss **St. Louis Community Release Center**. Indeed, the Court acknowledged in the Memorandum and Order that Plaintiff "wishes to add as a defendant John Doe, the SLCJC director/superintendent." (Memorandum and Order of June 18, 2004 at 3). Instead of issuing service on John Doe, the director/superintendent of St. Louis City Justice Center, the Court issued service on John Doe, director/superintendent of St. Louis Community Release Center. Id. at 3, 5. Accordingly,

**IT IS HEREBY ORDERED** that Superintendent Schneider's Motion to Correct a Clerical Mistake Pursuant to Fed. R. Civ. P. 60(a) (Docket No. 57) is GRANTED.

**IT IS FURTHER ORDERED** that the Clerk shall remove Defendant Janet Schneider from the underlying action.

**IT IS FURTHER ORDERED** that the Memorandum to Set Aside Service on John Doe, Director/Supervisor, St. Louis Community Release Center (Docket No. 53) is GRANTED.

**IT IS FURTHER ORDERED** that the Clerk shall issue process or cause process to issue upon the complaint as to Defendant John Doe, the SLCJC director/superintendent.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Appoint Counsel (Docket No. 64) is Denied Without Prejudice subject to being reconsidered if no motion for summary judgment is

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<sup>1</sup>In the motion, Plaintiff stated "it is my belief that no damage has been caused to me by the **St. Louis Community Release Center**." (Plaintiff's Motion to Remove Defendant from Lawsuit, Docket No. 13).

timely filed, if a motion for summary judgment is filed and denied, and if other circumstances are deemed to warrant it.

Dated this 30th day of June, 2005.

/s/ Terry L. Adelman

UNITED STATES MAGISTRATE JUDGE